

MILITARY ORDER OF THE PURPLE HEART

AL SILVANO, NATIONAL COMMANDER

2004 ANNUAL TESTIMONY

BEFORE A JOINT HEARING OF THE

HOUSE AND SENATE COMMITTEES ON VETERANS AFFAIRS

MARCH 4, 2004

Chairman Spector and Chairman Smith, ranking minority members Graham and Evans, members of the Senate and House Veterans Affairs Committees, ladies and gentlemen.

I am Al Silvano, National Commander of the Military Order of the Purple Heart. It is a singular honor indeed to appear before this illustrious body on behalf of the members of the Military Order of the Purple Heart. As I am sure you are aware, our order is unique among all veterans service organizations in that our membership is comprised entirely of combat veterans who suffered wounds or injuries in service to our country for which they were awarded the Purple Heart Medal.

I am accompanied today by, on my right, National Junior Vice Commander Robert Lichtenberger, Senior Vice Commander Frank Tyson and National Legislative Director Hershel Gober; on my left are National Service Director Michael Tomsey and Adjutant General Jay Phillips. (At this point the Commander should introduce the President of the ladies auxiliary and may introduce other members of MOPH that he wishes to.)

The Veterans' Affairs Committees in Congress are very important to the members of MOPH. We look to you to be the advocates for and the protectors of the benefits that our members have earned by the shedding of their blood on foreign battlefields throughout the world in defense of our country and freedom. In the interest of time, I will make the testimony covering our highest priorities as brief as possible. Copies of our National Convention Resolutions have been provided to both committee staffs for your information and consideration.

The issue of doing “the right thing” for veterans has never been more important than at this time in our history. Our brave, dedicated men and women of the armed services who are facing daily combat in Iraq, Afghanistan and other dangerous locations around the world deserve to know that the Congress and the Department of Veterans Affairs will be there for them when they return home. MOPH believes in the very simple but eloquent manner that President Lincoln stated the debt owed to our returning service members. In his second inaugural address, he stated the responsibility that our government has very clearly “...to care for him who has borne the battle and for his widow and orphans.” I feel certain that if President Lincoln were here today, he would amend the statement to make it gender neutral because of the large numbers of women now serving in our military with honor and distinction. Members of the Committees, MOPH is on record as providing our unqualified support for these men and women who are today carrying on the proud traditions of those who have served this great country in previous wars and conflicts. It is our fervent wish that the current conflicts come to quick resolutions and that our fellow veterans may return home to their families.

Each year at the MOPH National Convention, our delegates submit resolutions that the membership deems appropriate to help America keep its promise to her veterans. These resolutions are placed before the convention and either agreed to or rejected. While all resolutions passed by the convention are important, in the interest of time I will present only those that we deem to be vital to combat wounded veterans.

First, many Purple Heart recipients depend on the Veterans Health Care Administration (VHA) as their primary and sometimes their only source of health care. Each year the dedicated professionals at VHA are dependent upon the discretion of Congress for determining the amount of funds that will be allocated for health care. The MOPH, along with other veterans service organizations, has each year made its opinion known regarding the funding required. With the rising costs of health care the budget has simply not kept pace with inflation and the increasing demand placed upon the system. VHA hospital directors and their staffs cannot plan appropriate medical care when they do not know what their funding will be. Annually it is common for the VA to fail to receive final budget approval until four to six months into the fiscal year. This does not permit VA staffs to do their planning or in some cases maintain their current level of services. This is

the reason that MOPH supports legislation introduced in Congress to provide that funding for VHA become mandatory rather than discretionary. I realize that this is not a simple matter, but I am certain that Congress working with the VA and the VSOs can arrive at a practical solution. MOPH recognizes that there are increasing demands upon the VHA system, and “yes,” the costs are increasing each year as the WWII, Korean and Vietnam Veterans are in more and more need of health care. VHA is one, if not the best, health care system in America and hopefully at some point in our history we will no longer need the system. But that time has not arrived and until it does we must maintain the system for our current veterans and those soon to be veterans. To do less would be a serious dereliction of our duties.

MOPH once again calls upon Congress to pass legislation or use its influence to grant the VA the authority to collect reimbursements for treatment of those veterans covered by Medicare. This would help the VA provide more services to more veterans and is a win-win for the American taxpayer.

Members of the committees: currently, when a veteran with a claim pending at the VA dies, his or her accrued benefits are limited to two years. Families or survivors are often deprived of significant funds to which the veteran would have been entitled had the veteran lived until the completion of the adjudication process. MOPH supports legislative action by Congress that would provide that a veteran’s survivors be awarded all funds the veteran would have received had that veteran lived until the completion of the process. Additionally, when a veteran with a pending claim before the VA dies, that claim is immediately closed. In many cases these claims are fully developed and in the final stages of the adjudication process; some even awaiting only final decision by the VA. MOPH believes this causes the veterans’ survivors to suffer needlessly and is unfair. We request that the VA be directed to complete the adjudication and awards process for deceased veterans and that the immediate next of kin be notified of the final decision.

Many Purple Heart recipients have, in addition to combat wounds, suffered hearing loss sufficient to require hearing aids. The current VA Schedule for rating disabilities does not provide a compensable evaluation for hearing loss at many levels requiring hearing aids. MOPH believes that the VA should amend its Schedule of Rating Disabilities to provide for a minimum

10% disability rating for any service-connected hearing loss for which a hearing aid is medically indicated.

One of the many requirements when a veteran files a compensation claim with the VA is that the veteran's service and medical records be reviewed and evaluated. In the majority of the cases, VA must request these records from the National Personnel Records Center (NPRC) operated by the Department of Defense. Other than for emergencies, i.e., eligibility for burial of a deceased veteran in a national cemetery or impending death of a veteran, these records can take up to 6 months or longer to obtain from NPRC. With our WW2 veterans aging rapidly, this means that some of them do not have the luxury of waiting an extended period of time for records. We recognize that veterans' records are only a small part of the records stored at the NPRC, but to the veterans and their survivors they are the most important part.

MOPH would like to see the VA and DOD agree that VA would assume the responsibility for the Veterans Records Section of NPRC. This will permit the VA to respond in a timely fashion to record requests. VSOs, by stationing representatives at NPRC, could greatly assist the VA in this effort. We understand that this may be a complex issue, but we will support any agreement or legislation that corrects the current system.

MOPH is on record as supporting and we continue to support legislation that would permit Congress to ban the desecration of the United States Flag.

Likewise, MOPH disagrees with the 9th Circuit Court of Appeals on its decision to ban the phrase "Under God" from the Pledge of Allegiance. We urge Congress to use its powers to restore this phrase.

Mr. Chairmen and members, the Military Order of the Purple Heart is grateful to Congress for passing the Concurrent Receipt or Disabled Veterans Tax legislation in 2003 and providing relief for some military retirees who are also receiving VA compensation. We still believe and will continue to urge Congress to pass legislation authorizing Full Concurrent Receipt for all eligible retirees. We also believe that the 10-year phase-in period is unfair, especially to our WW2 veterans, as many of them will never see the benefits of full concurrent receipt. We wish to thank those members of Congress who have for many years supported correcting this injustice.

We urged last year, and will continue to do so, that Congress put more emphasis on veterans' preference in hiring. Laws have been passed and there has been much rhetoric, but we see very little impact. The federal government must set the example for the states, local governments and the private sector. Veterans certainly deserve to have preference in job opportunities and advancement within the federal government based on their service and sacrifices for this country.

For decades military personnel have been exposed to deadly asbestos. Asbestos-related illnesses have a very long latency period, in some cases 10 to 50 years; therefore many veterans are unaware of exposure or the potential consequences to their health. As a result only a relatively small number of veterans have applied to the VA for asbestos-related compensation. Of this small number of claimants less than one third receive a service-connected benefit for their diseases.

MOPH does not believe that the current asbestos resolution process serves the best interest of America's veterans. The process is clearly broken. The status quo approach of resolving asbestos-related claims through the courts within the framework of existing tort law is no longer acceptable to us. To date, veterans have been left out of the legislative process on this issue; however, it is not too late for our collective voices to be heard and for us to play a key role in shaping passage of a Trust Fund solution to resolve asbestos-related claims. It is our hope that as you and your colleagues resolve the final details of Trust Fund legislation, you will seek input from veterans' service organizations, concerned veterans and the Department of Veterans Affairs.

One final note, the MOPH appreciates the positive changes and the opportunity to partner with the VA on providing timely, quality and accessible service to our country's Native American veterans.

In closing, I would like to thank the committees for the opportunity of appearing before you today. MOPH pledges to work with you and support you in anyway required for the good of our veterans. I will be pleased to answer any questions you may have. Thank you.